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09/740,735	12/18/2000	Donald F. Gordon	SEDN/310	4189

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EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/740,735	Applicant(s) GORDON ET AL.	
	Examiner Majid A. Banankhah	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-26, and 30-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-26, and 30-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment and arguments

Response to arguments

Applicant in his Remarks, reciting claim 1 and arguing that “the IPG application enters the foreground mode and assumes control of the user interface for the terminal if it receives a “launch” message on its message queue”, arguing that; “And in the background mode, the IPG application defers the handling of key presses to VOD or some other active application”, arguing that; “[t]he VOD application can execute in either a foreground or background mode. The VOD application enters the foreground mode and supports VOD services when it receives a Launch message on its message queue. In the background mode, the VOD relinquishes resources and waits for selection and Launch (e.g. by the viewer)” See Claims 1-28 and 31.

There is no recitation of any “foreground mode”, “background mode”, “the IPG application defers handling of the key press to the VOD or some other active application”, or even “Launch message” in the independent claim 1. Except for “Launch message” which is recited in dependent claim 13, the other terms are not mentioned in claim 1.

Applicant arguing that; “Nowhere in the **Sampat** reference is there any teaching, or even suggestion, of coordinating passing of control of terminal between the first and second application via a control mechanism, wherein the control mechanism passes control to first and second application via messages provided to at the first and second message queues, respectively.”. Applicant further arguing that; “**Sampat** does not specifically disclose the first and second application.”, arguing that; “**Sampat** does not disclose, teach or suggest coordinating passing of control of the terminal between the first and second application via a control mechanism, wherein the control mechanism passes control to the first and second application via message provided to the first and second message queues, respectively”, and finally arguing that **Sampat** reference is silent with respect to control mechanism as claimed, the **Sampat** reference fails to teach applicants’ invention as a whole.”.

Examiner disagrees with this argument. First, **Sampat** in col. 5, lines 14, 36, 65, 66 clearly teaches of application. Applicant’s attention also respectfully directed to Figs. 2 and 3, where he shows “Guide... Option”, and “Program Guide”. Therefore, he does not plainly teach of Windows environment alone but Windows, which requires executing applications. Secondly, **Sampat** in col. 5, lines 65 continued onto col. 6, lines 1-5, teaches of passing of control of terminal between first and second application via a control mechanism; “After the user selects a desired channel, the program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel” See also Figs. 6, 7, and 8. Additionally, **Sampat** in col. 19, lines 44-67, col. 20, lines 26-29, and col. 24, lines 35 teaches of the control mechanism passes control to the first and second application via message provided to the first and second message queues, respectively. See “message control manager 2208 maintains the queue of buffers and a queue is maintained for each MDM and the subsequent discussion.

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Regarding the discussion of applicant invention “as a whole”, applicant provides quotations from a number of cases dealing with obviousness, highlighting certain words and phrases dealing with nonobviousness and motivation, but provides no explanation of the application to the present case. It is not known what applicant is arguing. The examiner rejected the claims for obviousness using prior art of **Sampat** in view of **Ellis** that disclosed passing control of terminal between two applications and control of terminals are passed by message passing mechanism, very similar to the embodiments disclosed in the application. All claim limitations are addressed in the rejection and the rejection is an obviousness type rejection based on two references.

Applicant arguing that; “[E]llis fails to disclose, teach or suggest Applicants’ claimed “coordinating passing of control of the terminal between the first and second application via a control mechanism, wherein the control mechanism passes control to the first and second applications via message provided to the first and second message queues, respectively.”.

In response, these arguments are not found to be persuasive. As stated in the rejection, **Ellis** is applied for providing a second application to support a second user interface for a second service associated with Video-on-Demand (VOD). **Sampat**, teaches what applicant is arguing.

In reference to claim 30, applicant is arguing that; “Nowhere in the Filletto reference is there any teaching, or suggestions of “a third state indicative of the first and second applications being idle”.”. Applicant arguing that; “Filletto does not specifically disclose that he applications are idle. Specially, minimizing a window does not disclose, teach or suggest that the application running within that window has changed from an active state to an idle state. Therefore, Filletto does not disclose, teach or suggest “a third state indicative of the first and second applications being idle.”.

This argument is not persuasive for tow reasons. First, the Examiner has conducted an electronic search for the word “idle”. Except in claim 30, there is no recitation of the word “idle” in the specification. Secondly, “idle” is subject to interpretation and by definition, “idle” is a state where an application is operational but not in use. Same definition applies for a minimized windows, i.e. a minimized window is a state of a window, where the window is operational but is not in use. Therefore, minimizing window, meets the claim limitation.

Claim objected to, minor informalities

Claim 5 is objected to because of the following informalities: Claim 5 is depended on claim 2, while claim 2 is cancelled. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sampat et al.** (U.S. Patent 6,279,029) in view of Ellis (U.S. Patent Application Publication US 2004/0226042 - effective filing date March 4, 1999).

As per independent claims 1, 24, 25:

Sampat discloses the invention substantially as claimed:

As per independent claim 1:

Sampat teaches a method for providing user interfaces for a plurality of services offered by an information distribution system, comprising :

- providing a first application to support a first user interface for a first service associated with an interactive program guide [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 652];
- providing a second application support a second user interface for a second service [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66];
- coordinating passing of control between the first and second applications via a control mechanism [see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively."].

As per independent claim 24:

Sampat teaches a method for providing interactive program guide (IPG) and user interfaces for IPG services, comprising :

- providing an IPG application to support the IPG user interface for the IPG service [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- maintaining message queues for plural applications, respectively (e.g., see "queues of receive buffers that the user has posted using the DLM function call, col. 20, lines 26-299 see "Message output manager 2208 maintains a queue of buffers waiting to be output to the network" col. 19, lines 44-679 see also "In a server, process manager 2310 transmits packets from the send queue to the network" and associated discussion col. 24, beginning line 351; and

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- passing control to the plural applications via messages provided to the message queues, respectively (see col. 20, lines 26-29; col. 19, lines 44-679 and col. 24, beginning line 352).

As per independent claim 25:

Sampat teaches a terminal configurable to provide user interfaces for a plurality of services offered by an information distribution system, comprising:

- a first application operable to support a first user interface for a first service providing an interactive program guide [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- a second application operable to support a second user interface for a second service [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66]; and,
- means for passing control between the first and second applications [see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively.").

However, **Sampat** does not explicitly teach the following additional limitations:

Ellis teaches providing a second application to support a second user interface for a second service associated with video-on-demand (VOD), as claimed [e.g., see "Video-on-demand program guide display 70" and associated discussion §00552].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system taught by **Sampat** by implementing the improvements detailed above because it would provide **Sampat's** system with the enhanced capability of allowing "a viewer to simultaneously view both a video-on-demand program guide display and a selected television program on a television display screen" [see Ellis, §0009].

As per dependent claims 2 & 3:

Sampat teaches maintaining first and second message queues for the first and second applications, respectively and passing control to the first and second applications via messages provided to the first and second message queues, respectively [see col. 20, lines 26-29; col. 19, lines 44-67) and col. 24, beginning line 35).

As per dependent claim 4:

Sampat teaches polling the first or second application to determine a status of the application [see polling discussion col. 36, lines 57-64).

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As per dependent claim 5:

Sampat teaches polling for a status of the first or second application by providing a poll message to the first or second message queue, respectively [see polling discussion col. 36, lines 57-644.

As per dependent claim 6:

Sampat teaches providing: a root application to support communication between the first and second applications and a lower layer [e.g., see "Real-Time Media Services API" shown in fig. 16, and associated discussion col. 10, line 542.

As per dependent claim 7:

Sampat teaches the communication between the root application and the first and second applications is achieved via a set of application programming interfaces (APIs) [e.g., see "Media Services Manager (MSM) API" and "Real-Time Media Services API" and associated discussion cols. 9 & 10).

As per dependent claim 8:

Sampat teaches the lower layer is a hardware layer [e.g., see "Real-Time Media Services API" shown in fig. 16, as coupled to the display and audio device drivers and associated discussion col. 10].

As per dependent claim 9:

Sampat inherently teaches each of the first and second applications is operable in an active state or an inactive state [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65; see user interface 200 and associated discussion beginning col. 5, line 14 & line 669 see also video sources discussion col. 4, lines 7-37].

As per dependent claim 10:

Sampat teaches an active application is operative to process key inputs, as **Sampat** teaches the use of Microsoft Windows controls [col. 4, line 56] that are used at least to process the entry of a credit card number [col. 5, line 63].

As per dependent claim 11:

Sampat teaches the first application transitions to the inactive state upon occurrence of any one of a plurality of events in a first set, and the second application transitions to the inactive state upon occurrence of any one of a plurality of events in a second set [see channel selection by user process, col., 5, discussion beginning line 65].

As per dependent claim 12:

Sampat inherently teaches the plurality of events in the first set includes a first set of key presses, and the plurality of events in the second set includes a second set of key presses [see user selection col. 2, lines 62 and 669 see Ellis: "A viewer may obtain information about other video-on-demand programs in a particular category by browsing through the programs on the program guide using up an down cursor keys. Other video-on-demand program categories may be selected using left and right cursor keys." See Ellis, §0011).

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As per dependent claim 13:

Sampat inherently teaches the first and second applications transition to the active state in response to receiving a launch message in the first and second message queues, respectively [see queue discussion col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 352].

As per dependent claim 14:

Sampat inherently teaches the first and second applications transition to the active state in response to receiving first and second key presses, respectively [see user selection col. 2, lines 62 and 66].

As per dependent claim 15:

sampat inherently teaches providing a first link in the first user interface to activate the second user interface and providing a second link in the second user interface to activate the first user interface (see col. 20, lines 26-29) col. 19, lines 44-67; and col. 24, beginning line 35].

As per dependent claims 16-18:

Sampat inherently teaches modes of operation where only the first or second application, if any, is active at any particular moment, or, the first and second applications are each independently executed, or, the first and second applications are concurrently active or semi-active [see col. 5, line 14: i.e., using Windows controls to control the size and position if user interface 200; see also "Program Guide Window 300" and associated discussion beginning col. 5, line 36 & line 65).

As per dependent claims 19, 20:

Ellis teaches the first and second applications are transmitted from the provider equipment to a set-top terminal [see "set-top box 34" and associated discussion, Ellis, j0050; see also discussion §§0047-0049, 0051, 0052].

As per dependent claims 21-23:

Sampat teaches the first and second applications are operable to overlay a channel information window with respect to an IPG user interface and a second user interface, as claimed [e.g., see "Hide Controls" menu option fig. 9, indicated that controls (i.e., channel information) can be displayed as an overlay over the video windows and associated discussion; See also Ellis VOD program guide display 70, §0055].

As per dependent claim 26:

Sampat teaches a root application operable to support communication between the first and second applications and a hardware layer [e.g., see "Real-Time Media Services API" shown in fig. 16, and associated discussion col. 10, line 54].

As per dependent claim 27:

Sampat teaches first and second message queues operable to store messages for the first and second applications, respectively (see col. 20, lines 26-29; col. 19, lines 44-67) and col. 24,

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beginning line 35].

As per dependent claim 28:

Sampat teaches the means for passing control is implemented by providing messages to the first and second message queues, and wherein the first and second applications are operable to retrieve and process messages stored in the first and second message queues, respectively (see col. 20, lines 26-299 col. 19, lines 44-67; and col. 24, beginning line 359 see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively.").

As per dependent claim 31:

Ellis teaches transitions between first, second, and third states are in response to defined key presses [e.g., see "A viewer may obtain information about other video-on-demand programs in a particular category by browsing through the programs on the program guide using up and down cursor keys. Other video-on-demand program categories may be selected using up and down cursor keys." See Ellis, §0011].

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Filletto et al.** (U.S. Patent 6,300,951) in view of Ellis (U.S. Patent Application Publication US 2004/0226042 - effective filing date March 4, 1999).

As per independent claim 30:

Filletto teaches a terminal configurable to provide user interfaces for a plurality of services offered by an information distribution system, comprising :

- a first state indicative of a first application executing to support a first user interface for an interactive program guide [e.g., see "Window 1" shown as item 56 in Fig. 1 and associated discussion col. 2, line 43) ;
- a second state indicative of a second application executing to support a second user interface for a second service [e.g., see "Window 2" shown as item 54 in Fig. 1 discussion col. 2, line 472; and associated
- a third state indicative of the first and second applications being idle [e.g., see "minimized window " and associated discussion col. 2, beginning line 4829 and means for transitioning between the first, second, and third states Ecol. 2, see toggling between windowed applications discussion, lines 52-67].

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However, **Filletto** does not explicitly teach the following additional limitations:

Ellis teaches providing an interactive program guide [program guide system 20, §0041] and a second application to support a second user interface for a second service associated with video-

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on-demand (VOD), as claimed (e.g., see "Video-on-demand program guide display 70" and associated discussion §0055].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system for rapid toggling of application windows taught by **Filletto** by implementing the improvements detailed above because it would provide **Filletto's** system with the enhanced capability of allowing application windows configured to permit "a viewer to simultaneously view both a video-on-demand program guide display and a selected television program on a television display screen" [see Ellis, §0009].

Prior Art not relied upon

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE The application has been amended as follows:

ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL.

How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Majid Banankhah, whose telephone number is 571-272-3770. A voice mail service is also available at this number. The Examiner can normally be reached on Monday, and Wednesday - Friday, 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Al who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PTO CENTRAL FAX NUMBER:
703-872-9306

- any inquiry of a general nature or relating to the status of this Application should be directed to the TC 2100 Group receptionist: (703) 305-3900.

MAJID BANANKHAH
PRIMARY EXAMINER

